

RESOLUTION NUMBER R-283353

ADOPTED ON FEBRUARY 1, 1994

WHEREAS, Nathaniel L. Cohen appealed the decision of the Planning Commission in approving Mission Valley Development Permit ("MVDP") No. 92-0725 submitted by San Diego Interfaith Housing Foundation, a California nonprofit corporation, Owner/Permittee, to construct a 77-unit residential development utilizing the bonus density permitted in San Diego Municipal Code section 101.0307 on a 3.14 acre site, located on the north side of San Diego Mission Road between Interstate 15 and Rancho Mission Road, in the Mission Valley Community Plan area, in the MVR-2 zone of the Mission Valley Planned District; and

WHEREAS, the matter was set for public hearing on February 1, 1994, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Mission Valley Development Permit No. 92-0725:

1. The proposed residential project is consistent with the Mission Valley Community Plan, and the San Diego Progress Guide and General Plan. In addition, the project meets the goals of the Housing Element by providing affordable housing units in a community which currently has none.

2. The proposed development provides the required public facilities and is compatible with the adjacent open space areas. The proposed development will be providing a passive recreation area approximately one-acre in size. The project developer will have to pay impact fees associated with the need for public facilities in Mission Valley.

3. The proposed development meets the purpose, intent, and criteria of the Mission Valley Planned District Ordinance including the applicable "Guidelines for Discretionary Review" adopted as part of the planned district. Conditions contained in the permit will ensure compliance with all applicable regulations.

4. The proposed project will comply with all relevant regulations in the San Diego Municipal Code.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Nathaniel L. Cohen is denied; the decision of the Planning Commission is sustained, and Mission Valley Development Permit No. 92-0725 is hereby granted to San Diego Interfaith Housing Foundation, a California nonprofit corporation, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

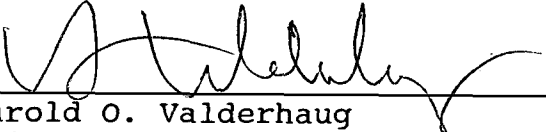
BE IT FURTHER RESOLVED, that the Planning Department staff is hereby directed to continue to work with the San Diego Interfaith Housing Foundation on the removal of the billboards and that the Foundation be required to fully review the financial

needs of the billboards with Planning Department staff within three years.

BE IT FURTHER RESOLVED, that upon expiration of the existing billboard lease, the Owner/Permittee shall not renew the lease agreement and the signs shall be removed at no cost to the City.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
04/12/94
Or.Dept:Clerk
R-94-1198
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MISSION VALLEY DEVELOPMENT PERMIT NO. 92-0725
MISSION TERRACE APARTMENTS

CITY COUNCIL

This Mission Valley Development Permit is granted by the Council of The City of San Diego to San Diego Interfaith Housing Foundation, a California nonprofit corporation, Permittee, under conditions in Sections 103.2100 and 101.0307 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee, to develop 77 affordable housing units located on the 10400 block of San Diego Mission Road, described as that portion of Lots 43 and 44 according to Partition Map on file in the Office of the County Recorder, in the action of Juan M. Luco et al., v. Commercial Bank of San Diego, in the MVR-2 Zone of the Mission Valley Planned District.
2. The Project shall consist of the following:
 - a. 60,332 gross floor area not including underground garage;
 - b. Landscaping;
 - c. Off-street parking; and
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
 - e. 13 foot front setback, and relief from offsetting planes requirement along interior facade of auto court.
3. Not fewer than 117 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated February 1, 1994, on file in the office of the Planning Department. Parking spaces shall be consistent with San Diego Municipal Code Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Should the unit count be lower, parking spaces shall be provided at a rate of 1.0 per one bedroom unit, 1.2 per two bedroom unit, 1.4 per three bedroom unit, and 30% guest parking requirement. Parking areas shall be marked and shall contain safe, usable pedestrian pathways to building entrances.
4. The owner and permittee are required to provide the bonus units to low income persons and families at affordable rents according to the Housing Commission's affordability standards and the San Diego Municipal Code section 101.0307. The following affordability provisions shall be applicable.
 - a. The monthly rent for the Affordable Units (which shall include any permitted utility allowance) shall not exceed 30% of the monthly income of a household earning 80% of the median income of the area, as adjusted for family size, as

defined by the U.S. Department of Housing and Urban Development ("HUD"). Contact the Housing Commission for this information.

- b. Notwithstanding the foregoing, any rent charged for the Affordable Unit shall not exceed 90% of the rent charged for a comparable unit within the project.
 - c. If the project qualifies under a federal, state, or locally assisted housing program for lower income household, the regulations of the applicable program shall apply rather than (1) and (2) above. The aforementioned exclusion for projects operating under a publicly assisted housing program shall not include Section 8 existing or alike rental assistance programs.
 - d. The gross annual income of the household occupying an Affordable Unit shall not exceed 80% of the area's median income as referenced above.
 - e. An Affordable Unit shall not be rented to a tenant whose income has not been certified in accordance with the income criteria set forth above. Such certification shall be performed by the owner/representative and submitted to the Housing Commission for approval.
5. Before issuance of this permit, the applicant shall submit evidence to the Planning Department that the Housing Commission has reviewed the project and prepared an affordability requirement.
 6. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated February 1, 1994, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
 7. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated February 1, 1994, on file in the office of the Planning Department. Approved plantings shall be installed before issuance of any occupancy permit on any building. Such plantings shall not be modified or altered unless this permit has been amended.
 8. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
 9. This project proposal shall conform with all special regulations contained in San Diego Municipal Code section 103.2112 unless otherwise noted herein.
 10. No merchandise, material or equipment shall be stored on the roof of any building.
 11. Prior to the issuance of any building permits, the applicant shall assure the installation of fire hydrants at locations satisfactory to the Fire Department and to the City Engineer.

12. This project shall provide the required public facilities in a manner satisfactory to the City Engineer and the Planning Department.
13. Any changes in use on this site shall be reviewed by the Planning Department for conformance with the current parking requirements.
14. Any change in use on this site may require a traffic study to determine conformance with the Development Intensity District Regulations.
15. This Mission Valley Development Permit must be used within 36 months after the date of City approval or the permit shall be void. An extension of time may be granted as set forth in Section 101.0920 of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.
16. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
17. This Mission Valley Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or the current owner.
18. Unless otherwise provided within this permit, all signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the Sign Code Administration of the Planning Department.
19. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise, and friction values, and any other applicable criteria.
20. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.
21. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void. However, in the event that a challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.
22. No permit for the development of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Mission Valley Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Director's decision or within 30 days of a Planning Commission or City Council decision, the permit shall be void.

23. A "Nonbuilding Area" designation shall be granted and shown on said map on all areas not shown for building sites. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space.
24. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.
25. The applicant shall post a copy of the approved permit in the sales or leasing office for consideration by each prospective buyer or tenant.
26. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated February 1, 1994, shall be permitted by an Encroachment Permit obtained from the City Engineer.
27. This Mission Valley Development Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.
28. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any federal, state or city laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).
29. Prior to the issuance of any building permits, the applicant shall dedicate and improve additional right-of-way adjacent to this site to provide a 49-foot width from centerline for San Diego Mission Road. Public improvements shall include, but not be limited to, curb (set at 39 feet from centerline), gutter, additional pavement as necessary, sidewalk, and appropriate transitions. Sidewalk improvements shall extend from the project site to Rancho Mission Road. The dedication and improvements shall be provided in a manner satisfactory to the City Engineer.
30. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of a raised center median within San Diego Mission Road, adjacent to this site, to prohibit left turns into/out of the proposed westerly driveway for this project, satisfactory to the City Engineer. Left turns into this site will be allowed only at the proposed easterly driveway.
31. Prior to this issuance of any building permits, the applicant shall assure, by permit and bond, that adequate line-of-sight is provided at all driveways, in a manner satisfactory to the City Engineer.

32. The slope for driveways may have a maximum 14% grade, without transitions, or a maximum 20% grade, provided that transitions of a minimum eight-foot length at half of the ramp slope are installed at both ends of the ramp.
33. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants and/or thirty Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.
34. The developer shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains and to show that existing and proposed mains will provide adequate capacity and have adequate cleansing velocities.
35. The developer shall install all facilities, as required by the approved study.
36. All common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water, as specified in City Council Ordinance O-17327. The developer shall design and install a reclaimed water distribution system within the development in accordance with "Rules and Regulations for Reclaimed Water Use and Distribution with the City of San Diego." The irrigation system shall initially be supplied from the potable water system until reclaimed water is available. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.
37. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code ("UFC") 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
 - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
 - d. Provide building sprinkler system; refer to Fire Prevention Policy No. S-86-12 (UFC Article 81).
 - e. Ensure that post indicator valves, Fire Department connections, and alarm bell are located on the address/access side of the structure (UFC 10.301).
38. The developer shall enter into an agreement with the City for this development's fair share costs for development, acquisition, and construction of a Community Park to serve the residents, satisfactory to the Park and Recreation Director and the City Engineer.
39. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
40. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section

53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.

41. This development may be subject to impact fees, as established by the City Council, at the time of building permit issuance.

ENVIRONMENTAL MITIGATION MEASURES:

GEOLOGY:

42. The applicant shall ensure the stability of existing slopes steeper than 1.5:1 (horizontal to vertical). This shall be accomplished by covering exposed terrace deposits and Stadium Conglomerate in slopes steeper than 1.5:1 with a plastic or wire mesh. The mesh shall be firmly anchored at the top and bottom of the slope. In addition, a 6-foot high chain link fence shall be placed on top of the retaining wall at the toe of the slope. Furthermore, runoff over the top of the slope shall be avoided by grading way from the top of slope or by constructing brow ditches. The Mitigation Monitoring and Reporting program requires that prior to the issuance of building permits, the Principal Planner of the Planning Department's Environmental Analysis Section (EAS) shall ensure the installation of the mesh on the slope and construction of the fence. Final occupancy permits shall not be issued until these measure have met the satisfaction of the Building Inspection Department and Principal Planner of EAS.

NOISE:

43. The attenuation of exterior noise levels shall be accomplished through construction of a 4-to 5- foot high sound barrier along the western and northern edge of the hilltop recreational open space area as shown in Exhibit 6 of the acoustical report dated November 18, 1993, on file in the office of the Planning Department. The required sound barrier shall be constructed using one or more of the following materials: 1) masonry block, 2) stucco on wood frame, 3/4 inch plywood, 4) 1/4-inch glass or 1/2-inch LEXAN, 5) earthen berm, or 6) any combination of these materials or any material rated 3.5 pounds per square foot surface weight or greater. The Mitigation Monitoring and Reporting Program requires that this measure shall be shown on the building plans to the satisfaction of the Principal Planner of EAS and the Building Inspection Department's Acoustical Plan Review Section prior to the issuance of building permits.
44. Attenuation of interior noise levels may be accomplished through upgraded construction materials with mechanical ventilation and special construction techniques. This may include the use of glazing products sound rated as high as STC 45, which generally require a double, double-paneled slider (a window inside of a window). Baffling or elimination of attic vents, and resilient channels in exterior walls may also be required. Sound attenuation greater than 30 dBA requires special construction techniques. A final acoustical report and specific noise attenuation measures shall be submitted and approved by the Principal Planner of EAS prior to issuance of building permits.

PALEONTOLOGICAL RESOURCES:

45. Prior to the issuance a grading permit, the applicant shall provide verification that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Principal Planner of EAS. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology and who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. All persons involved in the paleontological monitoring of this project shall be approved by EAS prior to any preconstruction meeting.
46. The qualified paleontologist shall attend any preconstruction meetings to discuss grading plans with the excavation contractor. The requirement for paleontological monitoring shall be noted on the construction plans.
47. The paleontologist or paleontological monitor shall be on-site full-time during the original cutting of previously undisturbed sediments of the Stadium Conglomerate and Friars Formation to perform periodic inspection of excavations, and if necessary, to salvage exposed fossils. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
48. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct or temporarily halt grading activities in the area of discovery to allow evaluation and recovery of exposed fossils. At the time of discovery, the paleontologist shall immediately notify the Principal Planner of EAS. EAS shall approve salvaging procedures to be performed before construction activities are allowed to resume.
49. All collected fossil remains shall be cleaned, sorted, and cataloged following standard professional procedures. The collection should be donated to a scientific institution with a research interest in the materials (such as the San Diego Natural History Museum).
50. The Mitigation, Monitoring, and Reporting Program requires that a monitoring results report shall be submitted to and approved by the Principal Planner of EAS prior to issuance of building permits. The monitoring results report, with appropriate graphics, shall summarize the results, analysis and conclusions of the paleontological monitoring program, even if negative.
51. In order to meet standard requirements for the U.S. Department of Housing and Urban Development, the height of two sections of the required noise wall shall be increased by one-foot, from four feet to five feet and from five feet to six feet respectively, as shown on the revised Exhibit 6 on file in the Planning Department and dated February 1, 1994.
52. In order to meet standard permit requirements for the U.S. Department of Housing and Urban Development, electronic air cleaners shall be required for each living unit to ensure that indoor air quality meets the national standards. Individual electronic air cleaners shall be capable of handling a minimum of 1,400 cubic feet per minute.

53. As a condition of this permit, Planning Department staff will continue to work with the applicant on the removal of the existing billboards. Three years from the date this permit is approved, February 1, 1997, the applicant shall submit written verification to the City to demonstrate that the billboards are necessary to continue normal operation of the affordable housing project.
54. As a condition of this permit, the existing billboards shall be removed, at no cost to the City, upon expiration of the current lease agreement which will occur in the year 2014. This provision is subject to the condition contained in City Council Resolution No. R-283353, adopted February 1, 1994.
55. As a condition of this permit, the current lease agreement for the billboards shall be amended to require vendors to take special precaution when working on the billboards located within the proposed play area.
56. As a condition of this permit, the applicant shall maintain access roads and landscape area at all times even when damaged by the billboard vendor.
57. In the event any state law requires any payment to the billboard owner and or property owner in the circumstances where a discretionary permit requires billboard removal at the end of the billboard lease, the City may, at its sole option, waive the requirement for billboard removal, in which event the condition contained in the discretionary permit and shall likewise be deemed waived.

Passed and adopted by the Council of The City of San Diego on February 1, 1994 by a vote of 9-0 by Resolution No. R-283353.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

SAN DIEGO INTERFAITH HOUSING FOUNDATION
a California nonprofit corporation
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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